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# **In the Supreme Court of the United States**

**OCTOBER TERM, 1971.**

**No. 71-496.**

**CLARENCE WARD,**

*Petitioner,*

**vs.**

**VILLAGE OF MONROEVILLE, OHIO,**

*Respondent.*

**ON WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.**

## **CHRONOLOGICAL LIST OF IMPORTANT DATES.**

July 2, 1968—Defendant Clarence Ward charged in the Mayor's Court of Monroeville, Ohio with having "Failed and refused to comply with a lawful order of a Police Officer" in No. 68-744, and with having "Failed and refused to produce drivers license on request of a Police Officer" in No. 68-745.

December 28, 1968—Defendant pleads not guilty. Trial had before Mayor in No. 68-744. Defendant found guilty and sentenced to pay fine of \$50.00 and costs.

March 20, 1969—Huron County Common Pleas Court overrules defendant's affidavit to disqualify Mayor as judge in No. 68-745.

April 7, 1969—Huron County Common Pleas Court affirms conviction on defendant's appeal in No. 68-744.

April 26, 1969—Trial had before Mayor in No. 68-745. Defendant found guilty and sentenced to pay fine of \$50.00 and costs.

May 21, 1969—Huron County Common Pleas Court affirms conviction on defendant's appeal in No. 68-745.

June 2, 1969—Defendant's appeals in Nos. 68-744 and 68-745 consolidated by Huron County Court of Appeals.

February 20, 1970—Huron County Court of Appeals affirms convictions on defendant's appeals.

September 23, 1970—Defendant's motion to certify record allowed by Supreme Court of Ohio.

July 14, 1971—Supreme Court of Ohio affirms convictions.

October 6, 1971—Defendant files Petition for Writ of Certiorari in United States Supreme Court.

January 24, 1972—Petition for Writ of Certiorari granted by United States Supreme Court.

(2-3)

Nos. 1590 and 1591 and 68-744.

**IN THE VILLAGE OF MONROEVILLE  
MAYOR'S COURT**

THE STATE OF OHIO, COUNTY OF HURON,  
VILLAGE OF MONROEVILLE, SS:

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THE VILLAGE OF MONROEVILLE,  
*Plaintiff,*

vs.

CLARENCE WARD,  
*Defendant.*

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**DEFENDANT'S BILL OF EXCEPTIONS.**

BE IT REMEMBERED, that heretofore, to-wit on the 20th day of July, 1968 and the 28th day of December, 1968, being one of the regular dates of said Court, before the Honorable Kenneth G. Salisbury, the above-entitled causes came on for trial upon the pleadings heretofore filed herein.

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Thereupon, the following proceedings occurred before Honorable Kenneth G. Salisbury:

**(4) PROCEEDINGS.**

The Mayor: Leonard Conners, do you swear that the affidavit and the statements are the truth to the best of your ability?

Patrolman Conners: I do.

Mr. Schwartz: At this time—

The Mayor: I would like to proceed with my regular starting procedure before.

Mr. Schwartz: Well, I would like to renew our motion to dismiss, which, perhaps, should come before.

The Mayor: All I wanted to do is inform him of his rights and tell him he is entitled to legal counsel, if he so desires.

Mr. Schwartz: O.K., fine.

The Mayor: Clarence Ward, you are charged with a violation of Ordinance No. 47-12, Section 2 of the Ordinances of the Village of Monroeville, and this is failed and refused to comply with a lawful order of a police officer.

Now, it is my duty to inform you that you may enter a plea of one of three ways. Either guilty, not guilty, or no contest, and you are entitled to legal counsel if you so desire.

Now, counsellor, if you want to proceed (5) from there.

Mr. Schwartz: All right, fine.

Before entering a plea, we would like to renew a previously made motion to dismiss the case or, in the alternative, to certify this proceedings to a court of constitutionally valid jurisdiction, on the ground that a Mayor's Court is without constitutional valid jurisdiction for reasons set forth in our brief, and in support of that motion, I would like the opportunity to have an evidentiary hearing which we will present witnesses, namely, the chief and Ladonna Chrisman, to present evidence in support of this motion.

The Mayor: Well, in view of the fact that this had already been presented to the County Court, and that it was referred back to the Mayor's Court, I will have to overrule that motion.

\* \* \* \* \*

(8) Mr. Schwartz: All right, then. Given the overruling of the motion, we will enter a plea of not guilty to the charge.

The Mayor: I see. A plea of not guilty has been entered.

Mr. Ward, a plea of not guilty has been entered in the charge. Did you wish to offer in the way of testimony anything at this time?

Mr. Schwartz: Well, there has been no testimony offered on behalf of the village yet.

The Mayor: I see.

Mr. Hite: We will proceed.

The Mayor: All right. Testimony in regard to the village, then.

Mr. Hite: All right.

(9)

LEONARD CONNERS, of lawful age, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF LEONARD CONNERS.

By Mr. Hite:

Q. State your name, please? A. Leonard Connors.

Q. And, Mr. Connors, what is your capacity? A. Chief of Police of the Village of Monroeville.

Q. How long have you been so employed? A. Since July of last year, 1967.

Q. And your position at that time, you were a patrolman? A. Yes, sir.

Q. And recently you were appointed Chief? A. I was appointed Chief, I believe, last month.

Q. All right.

The Mayor: I might interject. The appointment was effective December 1st.

\* \* \* \* \*

(10) Q. Now, calling your attention to the second day of July, 1968, were you in conjunction with the Public Utility Commission, working a traffic vehicle safety check on Route 20? A. Yes, sir, I was.

Q. Where was that at? A. This was on Route 20 within the village limits at the west end of town.

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Q. Well, would you describe the vehicles that were present, and any other officers that were present with you at that time? A. The other vehicles that I saw were